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Ct. 654
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**WPA 16762 of 2022
With
CAN 1 of 2024**

**Nikhil Kundu
-Vs-
State of West Bengal & Ors.**

Mr. Subhas Chandra Atha,
Ms. Payel Paramanik

... for the petitioner

Mr. Sirsanya Bandopadhyay

... for the State

Re: CAN 1 of 2024 (Restoration)

This is an application for restoration of the writ petition by recalling the order dated 18th December, 2023.

By order dated 18th December, 2023, the writ petition was dismissed for default. Mr. Subhas Chandra Atha, learned advocate for the petitioner submits that due to illness of the learned advocate, no representation could be made on the date of hearing resulting in dismissal. He seeks for restoration of writ petition.

Mr. Sirsanya Bandopadhyay, learned advocate for the State-respondents leaves the matter to the discretion of the Court.

It is contended in the application that due to illness of the learned advocate on the date the matter was called on, the petitioner was unrepresented, for which reason the writ petition was dismissed for default.

It is found that the cause shown is sufficient to recall the order of dismissal. Accordingly, the order dated 18th December, 2023 is hereby recalled. The writ petition along with connected applications, if any, is restored to its original file and number.

The application for restoration being **CAN 1 of 2024** stands allowed.

Re: 16762 of 2022

State is directed to file report in the form of affidavit in terms of the order dated 27th September, 2022 within a period of two weeks from date. Exception thereto, if any, be filed within a week thereafter.

Let the matter appear three weeks under the heading “**Hearing (Group-VIII)**”.

(**Bivas Pattanayak, J.**)